

REMARKS

Claims 1-10 are pending. Claim 1 has been amended editorially to more clarify that the reproduction signal beam is obtained by diffraction of the *reference* coherent beam at the recording medium. The amendment also clarifies that the digital data is reproduced from the reproduction signal beam. Furthermore, the amendment clarifies that the control section reads a position information of the reproduction signal beam when reproducing the digital data from the reproduction signal beam. Moreover, the amendment clarifies that the position information varies in accordance with the wavelength of the tunable coherent light source. Support for these amendments can be found on *e.g.*, page 8, lines 20-24, page 9, lines 19-32 and in Figures 1 and 2.

Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Henshaw (US 5,319,629, hereinafter "Henshaw"). This rejection is respectfully traversed.

Claim 1 of the present invention recites a tunable coherent light source that emits a reference coherent beam to a recording medium. Claim 1 further recites a two-dimensional photodetector that receives a reproduction signal beam obtained by diffraction of the reference coherent beam at the recording medium. Claim 1 also recites a control section that, when reproducing the digital data from the reproduction signal beam, reads a position information of the reproduction signal beam on the photodetector. The control section controls a wavelength of the tunable coherent light source according to the position information, which varies in accordance with a wavelength of the tunable coherent light source.

The rejection cites Henshaw as disclosing a tunable coherent light source that emits a coherent beam to a recording medium and a two-dimensional photodetector array that receives a reproduction signal beam obtained by diffraction at the recording medium. The rejection cites both elements 134 and 144 in Figure 1 of Henshaw as disclosing the two-dimensional photodetector. The rejection also cites Henshaw as disclosing a control section that reads position information of the reproduction signal beam on the two-dimensional photodetector and controls a wavelength of the tunable coherent light source according to the position information.

However, Henshaw fails to disclose or suggest using a tunable coherent light source to determine position information. In responding to applicants' arguments, the rejection asserts that claim 1 does not require that the position information is read or determined using the coherent beam projected from the tunable coherent light source. However, in the present invention according to claim 1, the control section reads a position information when reproducing the digital data from the reproduction signal beam, which was obtained by diffraction of the reference coherent beam, which was emitted by the tunable coherent light source.

Also in the present invention according to claim 1, the control section reads position information *of the reproduction signal beam* on the two-dimensional photodetector array. In contrast, Henshaw discloses an optical signal that is indicative of a memory address in terms of a y-coordinate, wavelength, and Bragg angle. *See e.g.* column 7, lines 47-52. Even if this is considered to be similar to position information on a two-dimensional photodetector array, which point Applicants do not concede, the position identified by Henshaw is at best a position of a memory address, not position information of a reproduction signal beam. The invention of claim 1 requires that the photodetector read information relating to the position of the reproduction signal beam since this information varies in accordance with the wavelength of the tunable coherent light source. The control section controls the wavelength of the tunable coherent source in accordance with the position information.

Moreover, in responding to applicants' arguments, the rejection asserts that claim 1 does not require that the position information of the reproduced signal be read while recorded digital data is being reproduced. The rejection further asserts that the device in Henshaw, which reads some form of position information to set a wavelength of a tunable coherent light source that is then used to reproduce recorded digital data, meets the limitations of claim 1. However, claim 1 recites, in part, "a control section that, when reproducing the digital data from the reproduction signal beam, reads a position information of the reproduction signal beam on the two-dimensional photodetector array." Claim 1 does require that the digital data be reproduced while reading the position information. Therefore, Henshaw could not lead a person having skill in the art to the invention of claim 1.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw in view of Yamaji et al. (US 6,088,321, hereinafter "Yamaji"). This rejection is respectfully traversed.

Claim 6 depends from claim 1. Therefore, claim 6 is allowable over Henshaw for at least the same reasons as claim 1. Furthermore, Yamaji does not fix the shortcomings noted above with respect to Henshaw. Rather, Yamaji concerns the disposition of a medium in relation to the lens system. Therefore, a person having skill in the art would not be lead to the invention of claim 1 by Henshaw, even in view of Yamaji. Applicants do not concede the rejection's interpretation of Yamaji.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw in view of Kitaoka (US 5,385,650, hereinafter "Kitaoka"). This rejection is respectfully traversed.

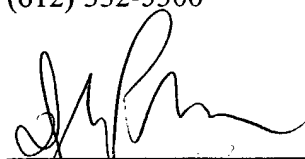
Claim 9 depends from claim 1. Therefore, claim 9 is allowable over Henshaw for at least the same reasons as claim 1. Furthermore, Kitaoka does not fix the shortcoming noted above with respect to Henshaw. Rather, Kitaoka concerns the characteristics of the coherent light source. Therefore, a person having skill in the art would not be lead to the invention of claim 1 by Henshaw, even in view of Kitaoka. Applicants do not concede the rejection's interpretation of Kitaoka.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 23, 2004



Douglas P. Mueller
Reg. No. 30,300

DPM/JKS/jt